

EXHIBIT 1

Page 2

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 WESTERN DIVISION
4 CASE NO: 3:07-CV-818

5 TINA M. BROWN,)
6 PLAINTIFF,)
7 VS.)
8 HCF OF SHAWNEE, INC.,)
9 DEFENDANTS.) WITNESS:
10) TINA M. BROWN

11 The deposition of TINA M. BROWN, a witness
12 herein, was taken by the Defendant as upon
13 Cross-Examination and pursuant to the Federal Rules of
14 Civil Procedure and agreement of counsel at the Allen
15 County Courthouse, 301 North Main Street, 2nd Floor, Lima,
16 Ohio, on February 21, 2008 at 9:37 a.m., before Jennifer
17 Davis, CSR, a Notary Public.

1 APPEARANCES:

2 On behalf of the Plaintiff,
3 Nicholas E. Kennedy, Esq.
4 Kennedy, Reeve & Knoll
5 98 Hamilton Park
6 Columbus, Ohio 43203
7 (614)228-2050
8 On behalf of the Defendants,
9 Michael D. Homans, Esq.
10 Flaster Greenberg
11 1628 John F. Kennedy Blvd.
12 15th Floor
13 Philadelphia, Pennsylvania 19103
14 (215)279-9379

Page 3

Page 5

	INDEX	PAGE
1		
2	WITNESS: TINA M. BROWN	
3	CROSS-EXAMINATION:	
4	By Mr. Homans.....	7
5	REPORTER'S CERTIFICATE	210
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

	Page 86		Page 88
1	come in until I had spoken with Scott or	1	termination, and I guess Mr. Okarowski, and
2	Jerome. And he said he was aware of the	2	Lori Cecil and Mr. Dennings was there also?
3	problem. And I asked him what that was.	3	A. Yes.
4	And he said your attendance is awful. And	4	After they explained the reason for
5	I asked him what he was talking about. And	5	termination, did you follow-up with
6	he said that I had missed so much work.	6	Mr. Okarowski?
7	And I explained to him that I was on FMLA,	7	A. No.
8	and the time that I had missed was probably	8	Did you follow-up with the president of the
9	under the FMLA, because I only took off to	9	company?
10	care of my father. And he said this is not	10	A. No.
11	an FMLA issue. This is an attendance	11	Okay. Is there a reason you didn't contact
12	issue. He was very rude. And he actually	12	the president?
13	told me, "What do you want me to do? Wipe	13	Because I felt if I was going to go to
14	the slate clean, and let Tina blame it on	14	Mr. Okarowski, and I was going to get
15	her father?" So, I just basically told him	15	treated like that, Mr. Unverferth is
16	that I must, I made a mistake calling him	16	basically the company. I mean, I felt
17	and that was the end of that conversation.	17	like, you know, if I could not go to him or
18	Q. Okay. Anything from that conversation that	18	him, then it was going to be a dead end to
19	you recall?	19	go any further than that.
20	A. That's what I remember.	20	Okay.
21	Q. Okay. And you said that, in your opinion,	21	A. It was an FMLA issue.
22	I think you said he was unprofessional or	22	Okay. Do you see the last line on this
23	not professional -- wait, I'm sorry. You	23	problem solving procedure states, "If you
24	said rude?	24	feel you've been subject to discrimination
	Page 87		Page 89
1	A. Yes. I thought it was rude, and it was	1	or retaliation, please contact the Vice
2	unprofessional.	2	President, Human Resources, or the
3	Q. And why did you say it was rude, just the	3	President immediately"?
4	comment about your father or?	4	A. Yes. I see that.
5	A. Just the whole conversation. I was trying	5	Q. Okay. After you were terminated, did you
6	to come to him and talk to him, and try to	6	contact either one of them?
7	find out what was going on, because I	7	A. No.
8	didn't understand. And he, I mean, right	8	Q. Okay. Did you feel that you had been
9	off the bat was very rude and sarcastic.	9	discriminated against or retaliated
10	And, basically, I felt like he was just	10	against?
11	kind of poo poo'ing me off like it was	11	A. Yes.
12	unimportant.	12	Q. Okay. But you chose not to contact them?
13	Q. Right. Did you feel like he disagreed with	13	A. I didn't because I tried to contact, I
14	what you were saying as far as your	14	tried to go to corporate. I went to
15	attendance issue?	15	Mr. Okarowski.
16	A. Yes.	16	Okay.
17	Q. Okay. Okay. Anybody else present for that	17	A. I felt it was a conflict of interest for me
18	conversation?	18	because Scott is an Unverferth.
19	A. No.	19	Q. Okay. Okay.
20	Q. Okay. By telephone?	20	MR. HOMANS: Why don't we take a little break now, and
21	A. Not on my side, no.	21	then go to 12:30.
22	Q. It was by telephone?	22	(Brief recess.)
23	A. Yes.	23	Q. Let's back up, Ms. Brown, and talk about
24	Q. Okay. Okay. After you met for the	24	your performance at HCF.

	Page 150		Page 152
1	they would pick it up.	1	indicating, "I will work PU." Is that
2	Q. Okay.	2	pick-up?
3	A. So he would have to talk to whoever he was	3	A. Yes.
4	planning on putting on the schedule.	4	Q. "On March 2nd, March 9th, March 14th, March
5	Q. And then what would be done as far as the	5	23rd." And then you put "Third shift
6	written schedule then to show who was	6	preferably E, F or float"?
7	working?	7	A. Yes.
8	A. After he discussed it with you then he	8	Q. So in this case you did prefer E, F or
9	would put you on the schedule. There was a	9	float?
10	lot of times the schedules were padded.	10	A. Yes. They allowed us to do that when we
11	Q. Okay. Padded meaning what?	11	picked up.
12	A. Meaning that they would add people to the	12	Q. Okay. But, I mean, you did have a
13	schedule to make it look like the floors	13	preference. It wasn't like every wing is
14	were covered. They would put people on	14	equal. You preferred E and F?
15	there that were not scheduled to work.	15	A. I took classes for the Alzheimer's Unit.
16	Q. Put people on the schedule who were not	16	Q. So you did prefer them?
17	scheduled to work?	17	A. Yes.
18	A. Yes.	18	Q. And you state, "I will watch floor schedule
19	Q. Okay. Do you recall that ever happening	19	for my name or you can let me know." Okay.
20	with you?	20	So you're telling them you would watch the
21	A. Yes.	21	floor schedule to see if you were
22	Q. Do you have any document that shows that?	22	scheduled for these dates?
23	A. I don't have any of the actual floor	23	A. Yes.
24	schedules, but I know that it has happened	24	Q. Okay. And then there's some handwriting up

	Page 151		Page 153
1	a lot.	1	above, I guess, on some of these dates. Do
2	Q. Okay. Did you ever report that to anyone	2	you recognize that handwriting? First, let
3	during your employment?	3	me ask you, there's PU written on the dates
4	A. Yes.	4	you indicated?
5	Q. Who did you report it to?	5	A. Yes.
6	A. The scheduler, Melanie Taylor, the DON.	6	Q. Do you know whose handwriting that is?
7	Q. Okay. What is the floor schedule?	7	A. No. I don't.
8	A. That's the schedule that tells everybody	8	Q. Okay. And then like from March 9th there's
9	where they are going to work.	9	PU and then kind of a line, and it's hard
10	Q. And how often does that come out?	10	to tell on this copy, but it looks like for
11	A. Every day for first, second, and third	11	that day and for March 22nd, "no" was
12	shift.	12	written. Do you recall that?
13	Q. Okay. Okay.	13	A. No.
14	MR. HOMANS: Let's mark this as Exhibit 16.	14	Q. Do you recall on those two dates you
15	(Defendant's Exhibit No. 16 was marked for the purpose of	15	weren't actually given, you know, put on
16	identification.)	16	the schedule?
17	Q. You've been handed Exhibit 16 marked Bates	17	A. I don't remember being put on the schedule
18	stamped D117. Is that your handwriting at	18	for any of those dates.
19	the bottom?	19	Q. Okay. So you don't, when you say you don't
20	A. Yes. It is.	20	remember, do you not know whether you were
21	Q. Okay. And this is the schedule for	21	scheduled for any of those?
22	February 27, 2005 through March 28, 2005?	22	A. I was not scheduled for any of those dates.
23	A. Yes.	23	Q. Okay. You didn't work March 2nd?
24	Q. Okay. And if I can read this, your	24	A. The pick-up? I don't think so. I don't